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AZ CORP COMMISSION  
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Arizona Corporation Commission

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

**IN THE MATTER OF THE  
APPLICATION OF ARIZONA-  
AMERICAN WATER COMPANY, AN  
ARIZONA CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY  
ITS AGUA FRIA WATER DISTRICT,  
HAVASU WATER DISTRICT, AND  
MOHAVE WATER DISTRICT**

**DOCKET NO. W-01303A-10-0448**

**MOTION FOR INCLUSION OF  
KINGSWOOD PARKE AND  
SIERRA MONTANA IN CLASS**

By this Motion, Kingwood Parke Community Association and Sierra Montana Homeowners Association request that the Administrative Law Judge enter a procedural order declaring them members of the class of homeowners associations designated by the Commission on September 19, 2011 (the "Class"). The Class, via its designated representative Sun City Grand Community Association and by and through undersigned counsel, also requests such an order.

1    **I. Background.**

2           1.     On August 2, 2011, a procedural order was issued re-opening the timeframe to  
3 request intervention until August 24, 2011, in light of Arizona-American's failure to properly  
4 notice approximately 11,000 Agua Fria Water District customers regarding the proposed  
5 water rate increase.

6           2.     On August 22, 2011, an August 15<sup>th</sup> letter from William B. Lipscomb,  
7 President of the Board of Directors of Kingswood Parke Community Association  
8 ("Kingswood Parke") was docketed in this matter. In the letter, Mr. Lipscomb requested  
9 that Kingswood Parke be allowed to intervene in the instant rate case.

10          3.     On August 23, 2011, an August 18<sup>th</sup> letter from Mike Smith, President of the  
11 Board of Directors of Sierra Montana Homeowners Association ("Sierra Montana") was  
12 docketed in this matter. In the letter, Mr. Smith requests that Sierra Montana be allowed to  
13 intervene in this rate case.

14          4.     On August 25, 2011, a procedural order was docketed indicating that  
15 Kingswood Parke and Sierra Montana must be represented pursuant to Arizona Supreme  
16 Court Rule 31(d)(28). The procedural order further required that representation pursuant to  
17 such rule must be demonstrated by a filing made on or before September 19, 2011.

18          5.     On September 16, 2011, Sierra Montana filed a supplement to its motion to  
19 intervene authorizing its Vice President, James Rutherford, to represent Sierra Montana in  
20 this matter.

21          6.     On September 19, 2011, Kingswood Parke filed a supplement to its motion to  
22 intervene authorizing its President, William B. Lipscomb, to represent Kingswood Parke in  
23 this matter.

24          7.     At the September 19, 2011, procedural conference, Kingswood Parke and  
25 Sierra Montana were individually granted intervention.  
26

1   **II.    Request to Join Class.**

2           Pursuant to R14-3-104(c) of the Rules and Practice and Procedure before the  
3   Corporation Commission and the August 25, 2011, procedural order, Sierra Montana and  
4   Kingswood Parke hereby request that the Commission enter a procedural order declaring  
5   them members of the Class of homeowners associations. The Class, via its designated  
6   representative Sun City Grand Association (“SCGCA”) and by and through undersigned  
7   counsel, consents to the inclusion of Kingswood Parke and Sierra Montana in the Class.

8   **III.   Conclusion.**

9           For the foregoing reasons, SCGCA, Kingswood Parke, and Sierra Montana request  
10   that the Administrative Law Judge enter an order declaring Kingswood Parke and Sierra

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1 Montana members of the Class of intervening homeowner associations.

2


3 DATED this 9<sup>th</sup> day of November, 2011.

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Attorneys for the Class

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**Consent, Which May Be Executed Via Counterpart:**

12

Intervenor Sierra Montana Homeowners Association, by and through its Vice

13

14 President, hereby consents to the above.

15

By: \_\_\_\_\_ Date \_\_\_\_\_  
James Rutherford

16

17

**Consent, Which May Be Executed Via Counterpart:**

18

Intervenor Kingswood Parke Community Association, by and through its

19

20 President, hereby consents to the above.

21

By: \_\_\_\_\_ Date \_\_\_\_\_  
William B. Lipscomb

22

23

24

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26

1 Montana members of the Class of intervening homeowner associations.

2

3 DATED this \_\_\_\_\_ day of November, 2011.

4

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Attorneys for the Class

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11 **Consent, Which May Be Executed Via Counterpart:**

12

Intervenor Sierra Montana Homeowners Association, by and through its Vice

13

14 President, hereby consents to the above.

15

By: James Rutherford 11/9/2011  
Date

16

17

**Consent, Which May Be Executed Via Counterpart:**

18

Intervenor Kingswood Parke Community Association, by and through its

19

20 President, hereby consents to the above.

21

By: William B. Lipscomb                       
Date

22

23

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26

1 Montana members of the Class of intervening homeowner associations.

2  
3 DATED this \_\_\_\_\_ day of November, 2011.

4 EKMARK & EKMARK, L.L.C.

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6 Curtis S. Ekmark  
7 Lynn M. Krupnik  
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9 6720 N. Scottsdale Rd., Suite 261  
10 Scottsdale, AZ 85253  
11 Attorneys for the Class

12 **Consent, Which May Be Executed Via Counterpart:**

13 Intervenor Sierra Montana Homeowners Association, by and through its Vice  
14 President, hereby consents to the above.

15 By: \_\_\_\_\_ Date \_\_\_\_\_  
16 James Rutherford

17 **Consent, Which May Be Executed Via Counterpart:**

18 Intervenor Kingswood Parke Community Association, by and through its  
19 President, hereby consents to the above.

20  
21 By: William B. Lipscomb 11/8/2011  
22 William B. Lipscomb Date  
23  
24  
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26

1 **Certificate of Service**

2  
3 **ORIGINAL** and thirteen (13) copies  
4 of the foregoing filed this 9<sup>th</sup> day of  
November, 2011 with:

5 Docket Control  
6 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

7 **COPY** of the foregoing hand-delivered  
8 this 9<sup>th</sup> day of November 2011 to:

9 Dwight Nodes, Administrative Law Judge  
10 Legal Division  
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11 1200 W. Washington Street  
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